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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,105	10/30/2001	Peter A. Thompson	19414-05852	8966
758	7590	06/06/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				KOSTAK, VICTOR R
ART UNIT		PAPER NUMBER		
		2614		

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/000,105	THOMPSON ET AL.
	Examiner	Art Unit
	Victor R. Kostak	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-6, 19, 20 and 23-34 is/are allowed.
- 6) Claim(s) 21 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Art Unit: 2614

1. Applicant's arguments filed on 04/05/05 have been fully considered but they are not persuasive with regard to the rejection of claims 21 and 22. The rejection based on Blair accordingly still applies and is repeated below from the last Office action, elaborated on to counter applicant's arguments, which arguments are addressed in the context of the rejection.
2. Claims 21 and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Blair et al.

Reviewing Blair, he applies smearing or blurring (e.g. col. 1 lines 62-65) to image data to correct for choppiness and jerkiness (e.g. col. 2 lines 4-8) due to a low frame rate, thereby creating corrupt imagery as a result of the lack of data.

Applicant argues that blurring or smearing causes lower quality, but Blair explicitly describes how and why it is used to improve quality, so specified above.

Continuing, the removal of data (in this case interspaced frames) results in a corrupt time-variant image. The corrupt (missing) frames comprise lines, which line data are identified since the whole frames are identified for replacing (by averaging) using the lines constituting temporally adjacent non-corrupted frames.

More specifically, the data to be replaced by averaging represents target areas (the areas comprising lines forming the entirety of an image frame), and that data is identified by inherent addressing (writing in and reading out carried out ultimately in a manner that positions the pixels in the proper two-dimensional arrangement, thereby forming visually perceptible imagery). A current frame is stored using a capturing device (e.g. col. 3 lines 1-6) and successive frames are stored (element 104 in Fig. 1) which are closest in time relative to the corrupted frame in

question, and which contain data lines corresponding spatially to the frame in question. Noting Fig. 2, the value of data of the frame in question (i.e. a second frame) is evaluated and compared with spatially corresponding data from the temporally adjacent frame(s), and the corrupted data is accordingly replaced with uncorrupted data from the adjacent frames (e.g. col. 8 lines 20-27), thereby meeting claim 21.

Claim 22 is not argued on its own merits as it depends from claim 21. As such, it remains rejected as explained in the last Office action, repeated as follows.

Blair uses multiple successive frames in his data replacement process (e.g. col. 6 lines 60-67), the process being the same as that carried out in Fig. 2.

3. Applicant is reminded that Dent, Remy, May and Strehl can all be applied to claims 21 and 22 as well.

1. Claims 1-6, 19, 20 and 23-34 are allowable over the prior art.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

l. k.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK